

REMARKS

The Examiner has rejected claims 1 and 2 as being unpatentable over *Iwata* (JP 8-183570) and claims 3-5 as being unpatentable over *Iwata*, and further in view of *Mizuno* and *Tanno et al.* (JP 2000-25849).

In response to these rejections, Applicant has amended independent claims 1 and 2 in order to more distinctly claim the subject matter of his invention. Applicant has added a further limitation describing the physical characteristics of the adhesive layer 5. This adhesive layer 5 is produced by blending styrene butadiene-based rubber and acryl-based rubber with a rosin-based or petroleum resin-based material so as to have both pressure sensitive properties and thermo sensitive properties. When the adhesive layer 5 reaches a certain fixed temperature (40~80°C), this adhesive layer 5 starts to melt and the adhesive strength against the lid 2 deteriorates uniformly (see, specification pages 8-9).

However, *Iwata* discloses an adhesive layer which utilizes a foaming agent. Using a foaming agent has a marked disadvantage. The foaming agent existing in the adhesive layer of *Iwata* 14 foams gradually at temperatures of 70~100°C and it loses its adhesion unevenly against the lid 6. Therefore, the adhesive layer 14 does not uniformly remove itself from the lid 6.

On the other hand, Applicant's invention recited in claims 1 and 2 does not contain a foaming agent in adhesive layer 5. As *Iwata* does not teach or suggest this type of adhesive layer the present invention, per amended claims 1 and 2, would not be obvious in light of this reference.

Claims 1 and 2 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. It is believed that this

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Amendment is fully responsive to the Office Action dated **October 4, 2002**.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP


Scott M. Daniels
Attorney for Applicant
Reg. No. 32,562

MJC/SMD/rer

Atty. Docket No. **010031**
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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PATENT TRADEMARK OFFICE

Enclosures: Version with markings to show changes made
Petition for Extension of Time w/fee

Q:\FLOTTERS\Mike Caridi\01\010031\Response - 1st OA due 1-4-03



**VERSION WITH MARKINGS TO SHOW CHANGES MADE
U.S. PATENT APPLICATION SERIAL NUMBER 09/771,878**

IN THE CLAIMS:

Claims 1 and 2 have been amended as follows:

1. (Amended) A packaged food characterized in that food containing water or an aqueous solution is enclosed in a container, the container having a surface portion made of plastic sheet, at least one vent hole being formed in the surface portion, the vent hole being sealed by an adhesive hole-sealing sheet [whose vertical] comprised of a styrene butadiene-based rubber and acryl-based rubber with a rosin-based or petroleum resin-based material so as to possess both pressure sensitive and thermo sensitive properties, and having a vertical peeling strength [is] no less than 1 N/cm in the temperature range of 40°C or lower and [is] no higher than 0.1 N/cm at the temperature range of 80°C or higher.

2. (Amended) A container for packaging food characterized in that the container has a surface portion made of plastic sheet, at least one vent hole being formed in the surface portion, the vent hole being sealed by an adhesive hole-sealing sheet [whose vertical] comprised of a styrene butadiene-based rubber and acryl-based rubber with a rosin-based or petroleum resin-based material so as to possess both pressure sensitive and thermo sensitive properties, and having a vertical peeling strength [is] no less than 1 N/cm in the temperature range of 40°C or lower and [is] no higher than 0.1 N/cm at the temperature range of 80°C or higher.

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